

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application ) PATENT APPLICATION  
Inventor(s): James F. Zucherman )  
Ken Y. Hsu )  
Charles J. Winslow )  
Henry A. Klyce )  
SC/Serial No.: 09/179,570 )  
Filed: October 27, 1998 )  
Title: SPINE DISTRACTION IMPLANT )

DECLARATION FOR C-I-P PATENT APPLICATION

As a below named inventor, I hereby declare that:  
My residence, post office address and citizenship are as stated below next to my name;  
I believe I am the original, first and sole inventor (if only one name is listed below),  
original, first and joint inventor (if plural names are listed below) of the subject matter which  
is claimed and for which a patent is sought on the invention of the present application:

Title of invention and of present application:

**SPINE DISTRACTION IMPLANT**

The specification of the present application (check applicable ones):

\_\_\_\_\_ is filed herewith;  
  X   was filed with the above-identified "Filed" date and "SC/Serial No."  
\_\_\_\_\_ was amended on (or amended through) \_\_\_\_\_.

I have reviewed and understand the contents of the above-identified specification for  
the present application, including the claims, as amended by any amendment(s) referred to  
above.

I acknowledge the duty to disclose information which is material to the examination of  
the present application in accordance with Title 37, Code of Federal Regulations, §1.56.

This present application in part discloses and claims subject matter disclosed in, and  
I hereby claim the benefit under Title 35, United States Code §120 of any United States prior  
application(s) listed below:

(1) <u>09/175,645</u> (SC/Serial No.)	<u>October 20, 1998</u> (Filing Date)	<u>Pending</u> (Status)
(2) <u>08/958,281</u> (SC/Serial No.)	<u>October 27, 1997</u> (Filing Date)	<u>Pending</u> (Status)
(3) <u>08/778,093</u> (SC/Serial No.)	<u>January 2, 1997</u> (Filing Date)	<u>Pending</u> (Status)

Insofar as the subject matter of each of the claims of the **present application** is not disclosed in the United States **prior application(s)** in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56 which occurred between the filing date(s) of the **prior application(s)** and the national or PCT international filing date of this **present application**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the **present application** or any patent issuing thereon.

1) Full name of sole  
or first inventor: James F. Zucherman

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(1) Citizenship: USA

(1) Inventor's signature: *James F. Zucherman*

(1) Date: 11/9/98

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(2) Inventor's signature: Ken Y. Hsu

(2) Date: 12/5/98

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3) Full name of second

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(3) Citizenship: USA

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(4) Date: 12/16/98

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